

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Petition of SBC Communications Inc.
for Forbearance Under 47 U.S.C. § 160(c)
From the Application of the Five-Year Recovery
Period for Local Number Portability Costs
Under 47 C.F.R. § 52.33(a)(1)

CC Docket No. 95-116

ORDER

Adopted: January 20, 2006

Released: January 20, 2006

By the Associate Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance filed by SBC Communications Inc. (SBC),² shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.³

2. On February 8, 2005, SBC filed a petition requesting that the Commission forbear from enforcing section 52.33(a)(1) of its rules.⁴ SBC requested this relief so that it can assess end-user charges for local number portability (LNP) beyond the five-year cost recovery period that is allowed under this rule.⁵

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the one-year period is extended by the

¹ 47 U.S.C. § 160(c).

² SBC filed this petition before its merger with AT&T Corp. on Oct. 31, 2005, which created the new entity of AT&T Inc. See *SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control*, WC Docket No. 05-65, Memorandum Opinion and Order, 20 FCC Rcd 18290 at App. F (rel. Nov. 17, 2005).

³ 47 U.S.C. § 160(a).

⁴ Petition of SBC Communications Inc. for Forbearance Under 47 U.S.C. § 160(c) From the Application of the Five-Year Recovery Period for Local Number Portability Costs Under 47 C.F.R. § 52.33(a)(1) at 1, CC Docket No. 95-116 (filed Feb. 8, 2005) (SBC Forbearance Petition). At the same time, SBC also filed a separate petition for a waiver of section 52.33(a)(1) as an alternative to forbearance. Petition of SBC Communications Inc. for Waiver of the Five-Year Recovery Period for Local Number Portability Costs Under 47 C.F.R. § 52.33(a)(1), CC Docket No. 95-116 (filed Feb. 8, 2005).

⁵ SBC Forbearance Petition at 1. SBC sought relief on behalf of its Ameritech, Pacific Bell, and Southwestern Bell companies. *Id.* at 1 n.1.

Commission.⁶ The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of section 10(a).⁷

4. The petition under review raises significant questions regarding whether forbearance from enforcing section 52.33(a)(1) of the Commission's rules meets the statutory requirements set forth in section 10(a).⁸ The Bureau thus finds that a 90-day extension is warranted under section 10(c).⁹

5. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291,¹⁰ that the date on which the petition seeking forbearance filed by SBC shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, IS EXTENDED to May 9, 2006.

FEDERAL COMMUNICATIONS COMMISSION



Donald K. Stockdale
Associate Chief, Wireline Competition Bureau

⁶ 47 U.S.C. §§ 160(a), (c).

⁷ See 47 U.S.C. § 160(a); see also, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, As Amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

⁸ 47 C.F.R. § 52.33(a)(1); 47 U.S.C. § 160(a).

⁹ 47 U.S.C. § 160(c).

¹⁰ See 47 U.S.C. § 155(c).